

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION

UNITED STATES OF AMERICA)
)
v.) No. 4:17CR00293-BSM
)
MARCUS O. MILLSAP)

**UNITED STATES’ OBJECTIONS TO THE COURT’S SUMMARY OF THE
SEPTEMBER 3, 2019 SECOND SUPERSEDING INDICTMENT**

The United States of America, by and through its attorney, Jonathan D. Ross, Acting United States Attorney for the Eastern District of Arkansas, and Stephanie Mazzanti and Liza Jane Brown, Assistant United States Attorneys for said district, respectfully submits is objections to the Court’s Summary of the September 3, 2019 Second Superseding Indictment.

The United States respectfully submits that the Court should add the words “multiple acts involving” at the end of the first paragraph of “III. Racketeering Conspiracy” because, as written, the Court’s summary does not track the language of the Second Superseding Indictment on that point. During its case, the United States does not intend to prove beyond a reasonable doubt that Marcus Millsap committed the actual murder of Bruce Hurley in May 2016. Rather, the United States intends to submit evidence regarding conspiracy to commit murder, solicitations to commit murder, and aiding and abetting the attempted murder of Bruce Hurley. Thus, the inclusion of the words “multiple acts involving” prior to the word “murder” is important.

Specifically, the Second Superseding Indictment alleges that the defendants and other persons known and unknown to the Grand Jury:

each being a person employed by, and associated with, the New Aryan Empire criminal enterprise (“NAE”) . . . did knowingly and intentionally conspire and agree together and with each other to . . . conduct and participate, directly and indirectly,

in the conduct of the affairs of the enterprise through a pattern of racketeering activity . . . which consisted of *multiple acts involving*:

a. Murder . . .

(DCD 1058 p. 12) (emphasis added).

The United States understands that the Court has determined that it will not make the following remaining requested changes, but submits this list for the record:

- Immediately before II., the United States requests that paragraph 18 from the Second Superseding Indictment be added, as multiple witnesses will testify as to the coordination between NAE and WAR.
- In the first paragraph of III., we request that the date of the indictment (September 3, 2019) and “in the Eastern District of Arkansas and elsewhere” be included in the first sentence.
- The United States requests that, in addition to those overt acts listed already, the following overt acts be included: Paragraphs 27, 29, 32, 36, 37, 39, 40, 42 through 45, 49 through 56, and 68 through 69.
- As to the Third Count, it is requested that the date of the indictment and “in the Eastern District of Arkansas and elsewhere” be included, as requested for Count 1 above.

Respectfully submitted,

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